

CV 17 - 4828

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DONNELLY, J.
BLOOM, M.J.

Antonio Bethea

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

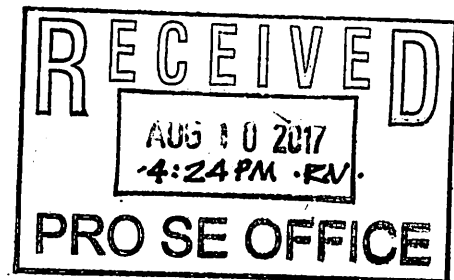
See Attached

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights
(Non-Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)



NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

DOMINICK J.

ROOM 101

ADJ. 101-101-101

" Attachment " 1 of 1

IN The United States District
Court For The Eastern
District of New York

Plaintiff: Antonio Bethea

- Against -

Defendants: William DeBlasio (in
his personal and official Capacity),
The City of New York, New York City
Department of Corrections,
Joseph Ponte (in his official and
personal Capacity), Robin Beaulieu
(in her official and personal Capacity),
Tamara Richardson (in her official
and personal Capacity)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Antonio Bethea</u>
Street Address	<u>219 East 121 street</u>
City and County	<u>New York</u>
State and Zip Code	<u>New York 10035</u>
Telephone Number	<u></u>
E-mail Address	<u></u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	<u>William DeBlasio</u>
Job or Title (if known)	<u>Mayor of New York City</u>
Street Address	<u></u>
City and County	<u>New York</u>
State and Zip Code	<u>New York</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

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Defendant No. 2

Name

The City of New York

Job or Title
(if known)

Street Address

City and County

New York

State and Zip Code

New York

Telephone Number

E-mail Address
(if known)

Defendant No. 3

Name

N.Y.C. Department of Corrections
Agency

Job or Title
(if known)

Street Address

City and County

New York

State and Zip Code

New York

Telephone Number

E-mail Address
(if known)

Defendant No. 4

Name

Joseph Ponte

Job or Title
(if known)

Commissioner of N.Y.C.

Street Address

City and County

New York

State and Zip Code

New York

Telephone Number

E-mail Address
(if known)

1. The first part of the document is a letter from the
2. author to the reader, in which the author states that
3. the document is a work of fiction and that the author
4. is not responsible for the actions of the characters.
5. The second part of the document is a letter from the
6. editor to the author, in which the editor states that
7. the document is a work of fiction and that the editor
8. is not responsible for the actions of the characters.
9. The third part of the document is a letter from the
10. publisher to the author, in which the publisher states
11. that the document is a work of fiction and that the
12. publisher is not responsible for the actions of the
13. characters.

14. The fourth part of the document is a letter from the
15. author to the reader, in which the author states that
16. the document is a work of fiction and that the author
17. is not responsible for the actions of the characters.
18. The fifth part of the document is a letter from the
19. editor to the author, in which the editor states that
20. the document is a work of fiction and that the editor
21. is not responsible for the actions of the characters.
22. The sixth part of the document is a letter from the
23. publisher to the author, in which the publisher states
24. that the document is a work of fiction and that the
25. publisher is not responsible for the actions of the
26. characters.

27. The seventh part of the document is a letter from the
28. author to the reader, in which the author states that
29. the document is a work of fiction and that the author
30. is not responsible for the actions of the characters.
31. The eighth part of the document is a letter from the
32. editor to the author, in which the editor states that
33. the document is a work of fiction and that the editor
34. is not responsible for the actions of the characters.
35. The ninth part of the document is a letter from the
36. publisher to the author, in which the publisher states
37. that the document is a work of fiction and that the
38. publisher is not responsible for the actions of the
39. characters.

"Attachment" 1 of 1
THE DEFENDANTS:

(B)

Defendant (5) Robin Beaulieu

Job or Title: warden of The
Brooklyn Detention Complex (BKDC)

State: New York

Defendant (6) Tamara Richardson

Job or Title: Captain at The
Brooklyn Detention Complex (BKDC)

State: New York

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ State or local officials (a § 1983 claim)
☐ Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Fifth, Sixth, Eighth, and Fourteenth Amendment Rights
guaranteed and secured by Federal Statutory law and
Human Rights, enumerated by the UN Human Rights Treaty

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attached

II Basis For Jurisdiction:

(D)

Defendant(1)

William DeBlasio, who be the Mayor of New York City, who is Acting under the Color of law with the authority of the New York Constitution Article (6) Section (15) which governs New York City Courts; Article nine (9) Section (1c) which grants the elected officials, executive officers of the Cities, the authority to provide Social Services; Article seventeen (17) Section Five (5) provides For the maintenance and support of institutions for the detention of persons charged with or convicted of a crime; the state authorizes cities to perform that social service for the welfare of their citizens. The New York State Corrections law enacted by the legislature of New York State for the lawful governance of said institutions. The first(1) defendant Mayor, William DeBlasio knowingly, intentionally, and willfully executed a settlement agreement, with U.S. Attorney Preet Bhahara, promising reform Not Escalation of offenses. Therefore, pursuant to Title 42 - U.S.C. Section 1983 the first(1) defendant, William DeBlasio, did act under the Color of New York State laws to violate the injured party and complainant Antonio Bethea Rights.

Attachment 2 of 4

II Basis for Jurisdiction:

(D)

Defendant (2)

The City of New York, is a entity Created by Article (9) Section (1) ~~(A)~~(B)(C) and governed by Defendant (1) "Mayor William DeBlasio" who acts through, for, and in Defendants (1^s) name. Therefore, pursuant to Title 42 Section 1983 Defendant (2) did act "under The Color of New York State laws" to violate the rights of the injured party and Claimant Antonio Bethea

(D)

Defendant (3)

N.Y.C. Department of Corrections, be an agency Created under the authority of Articles (9) ~~+~~ (17) of the NYS Constitution and governed by laws of New York State. Therefore, pursuant to Title 42 Section 1983 Defendant (3) did act "under The Color of law" to violate the rights of the injured party and Claimant Antonio Bethea

II Basis For Jurisdiction

(D)

Defendant(4)

Joseph Ponte, is the Commissioner of the NYC Department of Corrections placed in his position through the authority of Defendant(1) "Mayor William DeBlasio" who acted for, and through Defendant(2) "The City of New York" to provide social services for the welfare of Defendants(2) Citizens through Defendant(3). Therefore, pursuant to Title 42 Section 1983. Defendant(4) "Commissioner Joseph Ponte" did act "under the color of law" to violate the rights of the injured party and Claimant Antonio Bethea.

(D)

Defendant(5)

Robin Beaulieu, be an Agent of Defendant(3) charged with the administration and implementation of policies of Defendant(3) as the warden of Brooklyn Detention Complex. Therefore, pursuant to Title 42 Section 1983. Defendant(5) did act "under the color of law" to violate the rights of the injured party and Claimant Antonio Bethea.

II Basis For Jurisdiction:

(D)

Defendant(6)

Tamara Richardson, be
an agent of Defendant(3) and Charged
with the administration and implementation
of policies of Defendant(3) as a Captain
at Brooklyn Detention Complex.

Therefore, pursuant to Title 42 Section 1983
Defendant(6) did act "under The Color of law"
to violate the rights of the injured
party and Claimant Antonio Bethea

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

The Brooklyn Detention Complex located at
275 Atlantic Avenue, Brooklyn, NY 11201. on the
(9th) floor - Cell Block 9B.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Started on the 21st day of March 2017
About 4:00 pm until the 27th day of
March 2017 about 11:45 AM.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On the 21st day of March 2017 about 4:00 PM
until the 27th day of March 2017 about 11:45 AM
myself Antonio Bethea and about 20 other inmates
in Cell Block 9-B were kept on punitive Segregation
and was denied the right to shower and Care for Hygiene,
I was denied the right of one hour daily RECREATION,
I was denied the right to make telephone calls to
my attorney and family, I was denied the use of
the law library, I was denied sick call and
medical, I was denied Correspondence both legal
and personal, I was denied all visits both
legal and personal. Not at anytime did I, Antonio
Bethea break any Rules to deserve such punishment.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Emotional and Mental Anguish:

I was so afraid that I couldn't
stop crying, not knowing what was going
to happen to me next.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting \$250,000 for
each violation and that all defendants
be reprimanded

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4-10, 2017.

Signature of Plaintiff Antonio Bethea

Printed Name of Plaintiff Antonio Bethea

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